

Gautho, Julia

From: James Weller <jweller@cruzio.com>
Sent: Saturday, March 8, 2025 5:23 PM
To: Clarke, Joe; City Council; Pedersen, Alexander; Gerry Jensen; Margaux Morgan; Melinda Orbach
Cc: Goldstein, Jamie (jgoldstein@ci.capitola.ca.us); Kahn, Jessica; Robert.Tidmore@santacruzcounty.us; gblakeslee@sccrtc.org; Regional Transportation Commission
Subject: [PDF] Commentary re: Park Avenue coastal rail trail alignment
Attachments: PARK AVENUE RAIL TRAIL LETTER 030825.docx; 059m35.pdf

Councilmembers, City Manager, and Public Works Director:

Please read and consider my comments attached, as you prepare to deal with this issue.

Best regards,

Jim Weller
1970 46th Avenue, Capitola
510-325-1361 (cell phone)

TO: Capitola City Councilmembers, City Manager, Public Works Director
FROM: Jim Weller, 1970 46th Avenue, Capitola
Re: SCCRTC plan for the coastal rail trail alongside Park Avenue.

It consternates me that there is such entrenched opposition to this proposed public works project. The proposal promises a major public active transportation improvement, to be completed soon and at no cost to the City. Really now, what's not to like about this?

It's a WIN-WIN-WIN proposition.

I prefer Option A, but either Option A or Option B as proposed would (1) increase public traffic safety; would (2) improve public accessibility for pedestrians and cyclists; and would (3) cost the City of Capitola nothing, ever.

The proposal would accomplish traffic calming and safety improvements already planned and funded by the City, but would be instead paid for with RTC funds, thereby saving Capitola some \$80,000 allocated for work on Park Avenue. All the work would be funded by the RTC and designed and directed by the County Department of Community Development and Infrastructure. The City would have no maintenance responsibility for the coastal rail trail, not ever. This project would, in effect, be a realignment of the planned RTC rail trail from the southern side of the railroad corridor to the northern side.

Despite the hollow threat of a lawsuit, the project would not run afoul of Measure L for several reasons.

The purpose of Measure L was to "improve safety and reduce traffic . . . while protecting the Capitola Trestle." The findings spelled out in the measure were all about "the historic Capitola Trestle . . . [and a] detour from the Trestle through Capitola Village . . . onto bike lanes and sidewalks in the local Capitola street network and across the Stockton Avenue Bridge." Clearly, the concern had to do with Capitola Village streets and sidewalks, not Park Avenue or anywhere else in Capitola outside the Village.

The only definite provision in Measure L constraining action by the City was: "No city . . . department, agency or employee shall expend any funds or resources related to the construction, reconstruction, operation, maintenance, financing, marketing, or signage for a detour of the Trail onto Capitola streets or sidewalks."

The Park Avenue coastal rail trail alignment project would not involve any City funding or expenditures. Some may complain that the time City staff has devoted to coordinating with the County and the RTC concerning this project counts as "resources," but staff time is paid for in salaries, not per task, so there will be no expenditures of time and effort that

wouldn't have been devoted to something else otherwise. Moreover, this project is not a "detour," and it's not "onto" any streets or sidewalks.

Even if one were to stretch the ambit of Measure L to encompass the whole Capitola incorporated area, including areas west of Soquel Creek and east of Monterey Avenue/Bay Avenue, the present RTC coastal rail trail plan won't involve any kind of "construction, reconstruction, operation, maintenance, financing, marketing, or signage" done or paid for by the City under any possible scenario. All of it will be RTC work.

Furthermore, the proposed 12-foot wide coastal rail trail alignment alongside Park Avenue will not be on or in Park Avenue. It would be aligned along the presently existing bike lane on the southerly side of Park Avenue, mostly within the RTC-owned railroad corridor and only partly within the 40-foot wide original Park Avenue street right of way. The presently existing unpaved shoulder area and the eucalyptus trees on the south side of the street are within the boundary of the railroad corridor land owned by the RTC.

Park Avenue is apparently a city street. Interestingly though, it appears that the Park Avenue land title – the street corridor – is vested in the State of California. It was originally granted in 1933 by the former land owners, Fred D. Hihn, Jeffie Hihn, and Minnie Hihn, to the California State Park Commission, for state park purposes, along with the land comprising New Brighton Beach State Park.

According to that 1933 deed, Park Avenue was "to be used as a public road." It was dedicated to public use as the state park access road. In 1945, the state park road was realigned and accordingly, Southern Pacific Railroad Company granted to the State of California 1.29 acres of its adjoining land, comprising the present 40-foot width of Park Avenue, from Cabrillo Street to Coronado Street. I found no indication that the State of California ever relinquished its Park Avenue title to the City of Capitola, which was incorporated in 1949.

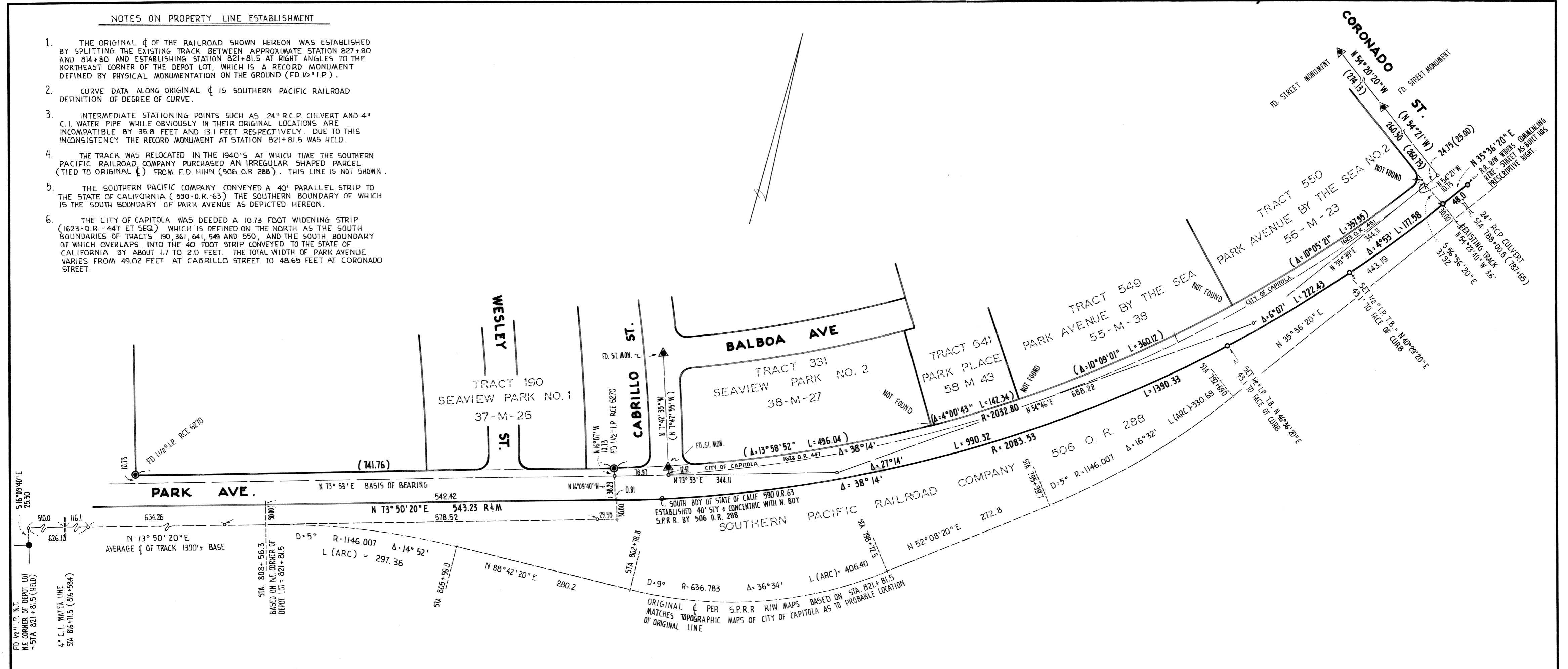
In 1962, a 10.73-foot widening strip of land on the northern side of Park Avenue, between Cabrillo Street and Coronado Street, was granted to the City of Capitola.

I can provide all the documentation supporting those findings. A copy of the 1973 survey map of Park Avenue is attached for reference.

JW

NOTES ON PROPERTY LINE ESTABLISHMENT

1. THE ORIGINAL ζ OF THE RAILROAD SHOWN HEREON WAS ESTABLISHED BY SPLITTING THE EXISTING TRACK BETWEEN APPROXIMATE STATION 827+80 AND 814+80 AND ESTABLISHING STATION 821+81.5 AT RIGHT ANGLES TO THE NORTHEAST CORNER OF THE DEPOT LOT, WHICH IS A RECORD MONUMENT DEFINED BY PHYSICAL MONUMENTATION ON THE GROUND (FD 1/2" I.P.).
2. CURVE DATA ALONG ORIGINAL ζ IS SOUTHERN PACIFIC RAILROAD DEFINITION OF DEGREE OF CURVE.
3. INTERMEDIATE STATIONING POINTS SUCH AS 24" R.C.P. CULVERT AND 4" C.I. WATER PIPE WHILE OBVIOUSLY IN THEIR ORIGINAL LOCATIONS ARE INCOMPATIBLE BY 35.8 FEET AND 13.1 FEET RESPECTIVELY. DUE TO THIS INCONSISTENCY THE RECORD MONUMENT AT STATION 821+81.5 WAS HELD.
4. THE TRACK WAS RELOCATED IN THE 1940'S AT WHICH TIME THE SOUTHERN PACIFIC RAILROAD COMPANY PURCHASED AN IRREGULAR SHAPED PARCEL (TIED TO ORIGINAL ζ) FROM F.D. HIHN (506 O.R. 288). THIS LINE IS NOT SHOWN.
5. THE SOUTHERN PACIFIC COMPANY CONVEYED A 40' PARALLEL STRIP TO THE STATE OF CALIFORNIA (590-O.R.-63) THE SOUTHERN BOUNDARY OF WHICH IS THE SOUTH BOUNDARY OF PARK AVENUE AS DEPICTED HEREON.
6. THE CITY OF CAPITOLA WAS DEEDED A 10.73 FOOT WIDENING STRIP (1623-O.R.-447 ET SEQ.) WHICH IS DEFINED ON THE NORTH AS THE SOUTH BOUNDARIES OF TRACTS 190, 361, 641, 549 AND 550, AND THE SOUTH BOUNDARY OF WHICH OVERLAPS INTO THE 40 FOOT STRIP CONVEYED TO THE STATE OF CALIFORNIA BY ABOUT 1.7 TO 2.0 FEET. THE TOTAL WIDTH OF PARK AVENUE VARIES FROM 49.02 FEET AT CABRILLO STREET TO 48.65 FEET AT CORONADO STREET.



BASIS OF BEARING
 BASIS OF BEARINGS OF THIS MAP IS THE NORTHERN BOUNDARY OF PARK AVENUE DETERMINED FROM MONUMENTS FOUND AS SHOWN = N 73° 53' E

LEGEND

- SET 1/2" I.P. R.C.E. 6270
- SET NAIL
- ⊙ FD. 1/2" I.P. R.C.E. 6270
- (360.12) RECORD DATA
- T.B. TANGENT BEARING

SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Land Surveyor's Act at the request of THE CITY OF CAPITOLA in OCTOBER 1973

Tom Polk Williams
 C. E. 6270

Tom Polk Williams
 REGISTERED CIVIL ENGINEER
 No. 6270

COUNTY SURVEYOR'S CERTIFICATE

This map has been examined for conformance with the requirements of the Land Surveyor's Act this 10th day of December, 1973

Donald A. P... ..
 By Deputy

Seal of the State of California, County Recorder

COUNTY RECORDER'S CERTIFICATE

Serial No. 47984
 Filed this 11th day of December, 1973 at 11:13 A.M. in Book 59 of Maps at Page 35 at the request of County Surveyor

Tom M. Kelley
 County Recorder

Diane Ray
 By Deputy

Seal of the State of California, County Recorder

BOWMAN AND WILLIAMS REGISTERED CIVIL ENGINEERS 1011 CEDAR STREET SANTA CRUZ, 95060 426-3560		RECORD OF SURVEY OF PARK AVENUE	
<i>Tom Polk Williams</i> REGISTERED CIVIL ENGINEER NO. 6270		SITUATE IN THE CITY OF CAPITOLA CALIFORNIA	
SCALE 1" = 100'	DRAWN G. R. D.	JOB NO. 17513	SHEET 1 OF 1
DATE OCTOBER 1973	CHECKED GRD.	INDEX SOQ 5	
DESIGN	TRACED D.R.S.	FILE NO.	